

**REMARKS/ARGUMENTS**

Applicant appreciates the Examiner's review of the present application. Claims 1-21 have been rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,396,897 to Ebrahimifard et al. (the "Ebrahimifard '897 patent"). Applicant has not currently amended Claims 1-21. In response to the current Office Action, and in light of the current amendment to the specification, Applicant respectfully submits that the Ebrahimifard '897 patent, is not prior art to the present application. Specifically the Examiner cites 35 U.S.C. § 102(e) as a basis for priority of the Ebrahimifard '897 patent. However, as currently amended in accordance with 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(4), (5)(i), (5)(ii), (5)(ii)(A), and (5)(iii) where the pending application was filed before November 29, 2000, the present application claims priority to a provisional application filed on May 21, 1999, and assigned application number 60/135,368. Accordingly, the Ebrahimifard '897 patent, with a filing date of April 18, 2000, is not prior art to the present application with priority to May 21, 1999.

In view of the remarks presented above and amendments to the specification, it is respectfully submitted that the present claims are in condition for allowance. It is therefore respectfully requested that a Notice of Allowance or Advisory Action be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

In re: Brummer  
Appl. No.: 09/576,113  
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Respectfully submitted,

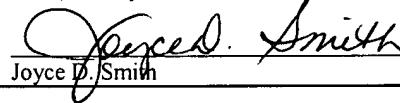


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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 14, 2004

  
Joyce D. Smith